

EFFECTIVE FILING PERIOD OF
APPLICATION**§ 404.620 Filing before the first month
you meet the requirements for ben-
efits.**

(a) *General rule.* If you file an application for benefits (except special age 72 payments) before the first month you meet all the other requirements for entitlement, the application will remain in effect until we make a final determination on your application unless there is an administrative law judge hearing decision on your application. If there is an administrative law judge hearing decision, your application will remain in effect until the administrative law judge hearing decision is issued.

(1) If you meet all the requirements for entitlement while your application is in effect, we may pay you benefits from the first month that you meet all the requirements.

(2) If you first meet all the requirements for entitlement after the period for which your application was in effect, you must file a new application for benefits. In this case, we may pay you benefits only from the first month that you meet all the requirements based on the new application.

(b) *Filing for special age 72 payments.* The requirements for entitlement to special age 72 payments must be met no later than 3 months after the month an application is filed.

[44 FR 37209, June 26, 1979, as amended at 52 FR 4003, Feb. 9, 1987]

**§ 404.621 Filing after the first month
you meet the requirements for ben-
efits.**

(a) *Filing for disability benefits and for old-age, survivors', or dependents' benefits.* (1)(i) If you file an application for disability benefits, widow's or widower's benefits based on disability, or wife's, husband's, or child's benefits based on the earnings record of a person entitled to disability benefits, after the first month you could have been entitled to them, you may receive benefits for up to 12 months immediately before the month in which your application is filed. Your benefits may begin with the first month in this 12-month period in which you meet all the re-

quirements for entitlement. However, entitlement to wife's or husband's benefits under this rule is limited by paragraph (a)(1)(iii) of this section.

(ii) If you file an application for old-age benefits, widow's or widower's benefits not based on disability, wife's, husband's, or child's benefits based on the earnings record of a person not entitled to disability benefits, or mother's, father's, or parent's benefits, after the first month you could have been entitled to them, you may receive benefits for up to 6 months immediately before the month in which your application is filed. Your benefits may begin with the first month in this 6-month period in which you meet all the requirements for entitlement. However, entitlement to old-age, wife's, husband's, widow's, or widower's benefits under this rule is limited by paragraph (a)(1)(iii) of this section.

(iii) If the effect of the payment of benefits for a month before the month you file would be to reduce your benefits because of your age, you cannot be entitled to old-age, wife's, husband's, widow's, or widower's benefits for any month before the month in which your application is filed, unless you meet one of the conditions in paragraph (a)(2) of this section. (An explanation of the reduction that occurs because of age if you are entitled to these benefits for a month before you reach the retirement age of 65, is in § 404.410.) An example follows that assumes you do not meet any of the conditions in paragraph (a)(2) of this section.

Example: You become 65 years old in April 1981. If you apply for old-age benefits in April, you cannot be entitled to benefits for months in the 6-month period before April because the payment of benefits for any of these months would result in your benefits being reduced for age. If you do not file your application until July 1981, you may be entitled to benefits for the months of April, May, and June 1981 because the payment of benefits for these months would not result in your benefits being reduced for age. You will not, however, receive benefits for the 3 months before April.

(2) The limitation in paragraph (a)(1)(iii) of this section on your entitlement to old-age, wife's, husband's, widow's, or widower's benefits for months before you file an application does not apply if—